

# EXHIBIT 15

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

B.F., et al., )  
 )  
 Plaintiffs, )  
 )  
 v. ) No. 4:12-CV-1760-CAS  
 )  
 ABBOTT LABORATORIES, INC., et al., )  
 )  
 Defendants. )

PRETRIAL CONFERENCE

BEFORE THE HONORABLE CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

MAY 19, 2016

**APPEARANCES:**

For Plaintiffs: Daniel A. Ranieri, Esq.  
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REPORTED BY: Gayle D. Madden, CSR, RDR, CRR  
United States District Court  
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1 That's too long.

2 MR. BALL: Okay.

3 THE COURT: See, you keep -- you've got to remember  
4 my major rule, the Lee Trevino rule.

5 MR. BALL: Right.

6 THE COURT: Yeah. Miss it quick.

7 MR. BALL: Miss it quick.

8 THE COURT: See, that's too long.

9 MR. BALL: I actually used that yesterday.

10 THE COURT: You know. I mean, you know, the Clerk's  
11 Office, the jury staff, they were all upset, you know, and I  
12 said, "Well, we can -- you know, don't worry about it." You  
13 know, they've gone and met with the post office. They were  
14 holding the mail. So we got no responses to who could be here  
15 for two to three weeks. And so we were then going to send out  
16 the second questionnaire, but, you know, others had to go down  
17 to the post office when they got the runaround, and then they  
18 finally came up with the mail, and so since then, the Clerk of  
19 the Court and others have gone down there to try to resolve  
20 the situation with them holding our mail. Please. So that is  
21 that. We'll just deal with it as we can. It shouldn't take  
22 too long, but we'll see. You know, we don't know. We'll see.  
23 Now, let's see. We'll start with these Plaintiffs'  
24 motions. Plaintiffs have a motion to exclude evidence  
25 regarding any negligence or fault of the Forbes or Dr. Mallya.

1           Hmm, got bugs crawling up here.

2           In this case, Plaintiffs claim that Abbott failed to  
3 adequately warn Beth Forbes or her prescribing doctor. Now,  
4 you know, Missouri, comparative fault. That's denied.

5           Second, Plaintiffs seek to exclude evidence regarding  
6 alternative causes of           ' spina bifida, such as  
7 family history and genetics and so forth and so on. Now, that  
8 is denied. Now, when we get to this thing about an aunt  
9 committing suicide and perhaps because of bipolar disorder, I  
10 mean that's kind of like hearsay. I mean, I don't know.  
11 Maybe that part is out. Anybody want to talk about that?

12           LAW CLERK: No. 3, Judge?

13           THE COURT: Pardon?

14           LAW CLERK: No. 3?

15           THE COURT: Yeah, that's 2 and 3. Well, the  
16 alternative causes -- yeah, that motion of Plaintiffs is  
17 denied. You can present these alternative causes, and I don't  
18 know about this. I don't know what degree this evidence is of  
19 a cousin with spina bifida. I guess you have evidence of  
20 that. But No. 3, I'm inclined to grant that also, but "likely  
21 because of undiagnosed bipolar" -- I mean, what's -- what's  
22 the theory here? Is it likely, or is it undiagnosed? What's  
23 this?

24           MR. BALL: Your Honor, I think we can avoid saying  
25 that somebody committed suicide, you know, if that's viewed to

1 be too -- the aunt committing suicide. The other part about  
2 general family history of bipolar disorder and mental illness  
3 is important to her need for this medication. So we can avoid  
4 the -- if the concern is an aunt committing suicide, that that  
5 might be a problem, we can avoid -- we don't have to get into  
6 that.

7 THE COURT: Okay. We're fine with that?

8 MR. BOUNDAS: Your Honor, we don't see why we need to  
9 talk about her family's history of mental illness. Ms. Forbes  
10 is bipolar. Everybody agrees to it. As a bipolar patient,  
11 she needs medication. So why are we talking about --

12 THE COURT: Well, they're saying other causes. Other  
13 causes of the spina bifida, I mean, and, you know, this whole  
14 situation that she -- it likely has to do with her genetic  
15 makeup. Different. I'm going to allow that.

16 Okay. Plaintiffs want to exclude evidence of  
17 Mrs. Forbes' postbirth Depakote use. Well, there was  
18 something else about that that I saw that -- where was this?  
19 I would be inclined to allow this in. So that motion is going  
20 to be denied, but there was something, some other motion --  
21 I'm missing it now -- where I think Plaintiffs in response to  
22 Defendant's motion were saying that they -- if this  
23 post-Depakote use wasn't brought in, they would -- they would  
24 not bring in something else, and I'm trying to see where that  
25 is here.

1 to warn. She says, "If I had known, I wouldn't have used,"  
2 but we're entitled to say, "But once you knew, you still  
3 used." That's all it goes to.

4 THE COURT: What do you say about this, Mr. Boundas?

5 MR. BOUNDAS: First of all, we're going to have to go  
6 and --

7 THE COURT: Come on over here to the podium. It just  
8 helps the court reporter tremendously.

9 MR. BOUNDAS: Yeah. John Boundas again.

10 So then we're going to have to go into what Abbott  
11 knew and didn't disclose at that time, why they took two more  
12 years not to change the label, what kind of methods to prevent  
13 pregnancy this family was undergoing two years later for a  
14 child that was never born. It didn't happen. So what we're  
15 doing is asking the jury to speculate based on something that  
16 happened two years later to inform them what would or could  
17 have happened two years earlier. It's just -- you know, look,  
18 they have consistently said, "No labels after this child's  
19 birth. None of our conduct after this child's birth." Then  
20 why does our mother's conduct after the birth come in? Let's  
21 draw the line and have it apply both ways. Otherwise, we will  
22 get into --

23 THE COURT: I'm drawing the line. It's out. It's  
24 out. The horse is already out of the barn. Forget it.

25 So I'm granting that one. That's No. 4, I think.

CERTIFICATE

I, Gayle D. Madden, Registered Diplomate Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 59 inclusive.

Dated at St. Louis, Missouri, this 20th day of May, 2016.

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/s/ Gayle D. Madden

GAYLE D. MADDEN, CSR, RDR, CRR

Official Court Reporter